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Attorneys for Plaintiffs M.P., a minor, by and through his guardian ad litem, Roy McCollum, *et al.*

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

M.P., a minor, by and through his guardian
ad litem, Roy McCollum, individually and as
successor in interest to Decedent
BRITTANY CAITLIN McCULLUM; and
ROY MCCOLLOM, individually,

Plaintiffs,

v.

COUNTY OF SAN JOAQUIN, a public
entity; San Joaquin County Sheriff
PATRICK WITHROW; San Joaquin County
Sheriff's Office Correctional Officers
MARIO PENA, KAYLA LONG, JAMES

CASE NO. 2:23-cv-00245-KJM-AC

**THIRD STIPULATION AND ORDER TO
EXTEND SCHEDULING ORDER
DEADLINES**

1 FARR, PABLO MARMALEJO, and
2 Sergeant ERIC SESSIONS; San Joaquin
3 County Physician Manager MORIS
4 SENEGOR; San Joaquin County CHC Chief
5 Clinician CYNTHIA BORGES-ODELL,
6 MFT; CHC Mental Health Unit Supervisor
7 TEFFANY CALICA; CHC employees
8 PAULA ALEYDA ARAGON DE
9 GONZALEZ, LVN; MARY M.
10 CENDANA, RN; KEVIN TORRES, LVN;
11 MARIE DAGUMAN, LCSW;
12 MARGARITA PALOMERA; RITA
13 MANANQUIL, RN; and County of San
14 Joaquin DOES 1-50, jointly and severally,

15
16 Defendants.

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18 Plaintiffs M.P. and ROY McCOLLUM (“Plaintiffs”) and the Defendants COUNTY OF SAN
19 JOAQUIN, *et al.* (collectively, “Defendants”), collectively referred to as “the parties”, by and through
20 their respective counsel of record, hereby stipulate as follows:

21
22 1. When an act must be done within a specified time, the Court may, for good cause, extend
23 The time with or without motion if the court acts, or a request is made, before the original time expires.
24 Fed. R. Civ. P. 6(b)(1)(A). With respect to an order setting forth the Court’s pretrial schedule, “[t]he
25 district court may modify the pretrial schedule ‘if it cannot be reasonably met despite the diligence of the
26 party seeking the amendment.’” *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir. 1992).
27 This is the Parties’ third request for extension of time of the Pretrial Scheduling Order; the first and second
requests were granted for good cause. *See* ECF Nos. 35, 39.

28
29 2. The parties have made substantial progress in written fact discovery and have started
30 depositions, but recent discovery has shown that more time is needed. On March 28, 2025, Defendants
31 deposed Plaintiff Roy McCollum, father of Brittany McCullum, who completed suicide at the County’s
32 jail. In addition to M.P., Ms. McCullum had another child, E.D., who was adopted and for whom a juvenile
33 dependency case may exists. Defendants contend that such a file is relevant to damages, and the parties
34 need time to meet and confer about obtaining this file pursuant to California Welfare & Institutions Code
35 § 827. In addition, since Plaintiff’s deposition, the parties have continued to meet and confer regarding

1 Plaintiffs’ contention that Defendants have withheld: (1) documents identified on a privilege log related
2 to named parties that should be produced pursuant to the stipulated protective order; and (2) documents—
3 including digital audio files of inmate witness interviews—not on the privilege log. As to (1), because
4 some of the withheld documents pertain to named parties, Plaintiffs need to obtain them well in advance
5 of these named parties’ depositions, to avoid Plaintiffs having to recall them for a second deposition after
6 production of the withheld documents. As to (2), some of the withheld documents are digital audio files
7 containing interviews by County law-enforcement personnel of at least six inmate witnesses to the
8 moments leading up to Brittany McCullum’s suicide. These interviews likely contain relevant information
9 about the actions and inactions of the named Correctional Officers Pena, Long, Farr, Marmalejo, and
10 Sergeant Sessions, who were responsible for Ms. McCullum’s safety. Plaintiffs need to review these
11 digital audio files before the depositions of these party defendants and of the inmate witnesses. Given that
12 one or more of these inmate-witnesses may be in prison, the parties will need to seek leave of court to
13 notice depositions. Fed. R. Civ. P. 30(a)(2)(B). Further, Defendants intend to meet and confer about
14 Plaintiffs’ responses to written discovery. Given the foregoing, the parties met and conferred by Zoom on
15 October 1, 2025, and they agree that they require further time to meet and confer about these issues to
16 avoid bringing any discovery dispute before the assigned magistrate. Once the documents have been
17 produced, the depositions of the Correctional Officers and inmate witnesses may be scheduled.

18 3. Moreover, the parties’ counsel’s conflicts in earlier-filed matters preclude the scheduling
19 of further party depositions before the November 14, 2025 cutoff of fact discovery. There are 15
20 individually named County Defendants, and Defendants’ lead trial counsel, who will defend all party
21 depositions, will be occupied from now through November 2025 with trial preparations in *Lake v City of*
22 *Vallejo et al*, scheduled to begin trial on December 9, 2025, and to last through December 16, 2025. This
23 has made the undersigned defense counsel unavailable to conduct any depositions during the month of
24 November. Moreover, Plaintiffs’ counsel must finish expert discovery by November 18, 2025, in *D.B. v.*
25 *City of Stockton, et al.*, No. 2:21-02154-DJC-SCR (E.D. Cal.), and must take party depositions beginning
26 in November 2025, in *K.C. v. Alameda County, et al.*, No. 4:22-cv-01817-DMR (N.D. Cal.). Counsel for
27 the parties have worked together on several cases together, and have one other case together currently,

and have always extended professional courtesy to one another with respect to case deadlines. Counsel for the parties wish to continue to do so, particularly with respect to the scheduling of depositions, so that they are scheduled on dates that align with both the deponents' and counsels' calendars. In addition to these scheduling issues, Plaintiffs' co-counsel, Mr. Helm, will undergo in-patient surgery on October 28, 2025, with several days in the hospital followed by recovery at home, and Plaintiffs' co-counsel, Mr. Schmidt, will be taking a pre-paid trip to Europe with his family, from October 30 to November 10, 2025.

4. Due to the remaining issues relating to written discovery and the documents that remain outstanding, the number of depositions that need to be taken, and conflicts in earlier-filed matters, the parties cannot reasonably meet the existing schedule despite their diligent efforts. Given counsel's desire to exercise professional courtesy by setting depositions on dates convenient for parties and their counsel, the undersigned counsel reasonably estimate the need for, and, thus, respectfully request, to extend the discovery deadline and all other dates in the Scheduling Order (ECF No. 39) by approximately six (6) months:

DEADLINE	ECF No. 39	Proposed New Date
Fact Discovery	11/14/2025	05/14/2026
Settlement Conference	12/09/2025	06/09/2026
Expert Disclosures	01/16/2026	07/16/2026
Exchange of Rebuttal Expert Witnesses	02/20/2026	08/20/2026
All Expert Discovery	04/17/2026	10/17/2026
Filing of all Dispositive Motions, except for Motions for Continuances, Temporary Restraining Orders or Other Emergency Applications	06/15/2026	12/15/2026

IT IS SO STIPULATED.

1 Dated: October 14, 2025

PORTER SCOTT
A PROFESSIONAL CORPORATION

2
3 By /s/John R. Whitefleet*
John R. Whitefleet
4 Attorney for Defendants

5 Dated: October 14, 2025

LAW OFFICE OF SANJAY S. SCHMIDT
HELM LAW OFFICE, PC

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7 By /s/ T. Kennedy Helm, IV
T. Kennedy Helm, IV
8 Attorneys for Plaintiffs
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ORDER

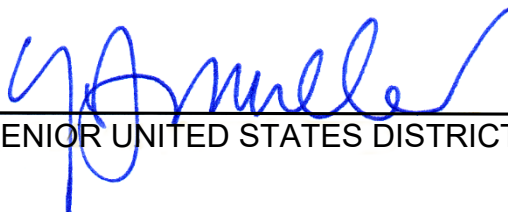
The Court, having reviewed and considered the Parties' Stipulation to Extend Scheduling Order Deadlines, and finding good cause, hereby Orders as follows:

The Court sets the following new dates:

DEADLINE	ECF No. 39	Proposed New Date
Fact Discovery	11/14/2025	05/14/2026
Settlement Conference	12/09/2025	06/09/2026
Expert Disclosures	01/16/2026	07/16/2026
Exchange of Rebuttal Expert Witnesses	02/20/2026	08/20/2026
All Expert Discovery	04/17/2026	10/17/2026
Filing of all Dispositive Motions, except for Motions for Continuances, Temporary Restraining Orders or Other Emergency Applications	06/15/2026	12/15/2026

IT IS SO ORDERED.

Dated: October 15, 2025.



SENIOR UNITED STATES DISTRICT JUDGE